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8
9 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

10 In the Matter of

11 **RAKESH DARAM,**

12 Holder of License No. S16559
As a Pharmacist
13 In the State of Arizona

Board Case No. 09-0030-PHR

**CONSENT AGREEMENT
FOR CONTINUING EDUCATION**

14
15 **RECITALS**

16 In the interest of a prompt and judicious settlement of this case, consistent with the
17 public interest, statutory requirements and the responsibilities of the Arizona State Board
18 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Rakesh Daram ("Respondent"),
19 holder of Pharmacist License Number S16559 in the State of Arizona, and the Board
20 enter into the following Recitals, Findings of Fact, Conclusions of Law and Order
21 ("Consent Agreement") as a final disposition of this matter.

22 1. Respondent has read and understands this Consent Agreement and has had
23 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
24 opportunity to discuss this Consent Agreement with an attorney.
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1 2. Respondent understands that he has a right to a public administrative
2 hearing concerning the above-captioned matter, at which hearing he could present
3 evidence and cross examine witnesses. By entering into this Consent Agreement,
4 Respondent knowingly and voluntarily relinquishes all right to such an administrative
5 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or
6 any other administrative and/or judicial action, concerning the matters set forth herein.

7 3. Respondent affirmatively agrees that this Consent Agreement shall be
8 irrevocable.

9 4. Respondent understands that this Consent Agreement or any part of the
10 agreement may be considered in any future disciplinary action by the Board against him.

11 5. Respondent understands this Consent Agreement deals with Board
12 Complaint No. 3603 involving allegations of unprofessional conduct against Respondent.
13 The investigation into these allegations against Respondent shall be concluded upon the
14 Board's adoption of this Consent Agreement.

15 6. Respondent understands that this Consent Agreement does not constitute a
16 dismissal or resolution of any other matters currently pending before the Board, if any,
17 and does not constitute any waiver, express or implied, of the Board's statutory authority
18 or jurisdiction regarding any other pending or future investigation, action or proceeding.

19 7. Respondent also understands that acceptance of this Consent Agreement
20 does not preclude any other agency, subdivision, or officer of this State from instituting
21 any other civil or criminal proceedings with respect to the conduct that is the subject of
22 this Consent Agreement.

23 8. Respondent acknowledges and agrees that, upon signing this Consent
24 Agreement and returning this document to the Board's Executive Director, he may not
25 revoke his acceptance of the Consent Agreement or make any modifications to the
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1 document regardless of whether the Consent Agreement has been signed by the
2 Executive Director. Any modification to this original document is ineffective and void
3 unless mutually agreed by the parties in writing.

4 9. Respondent understands that the Consent Agreement shall not become
5 effective unless and until adopted by the Board and signed by its Executive Director.

6 10. If a court of competent jurisdiction rules that any part of this Consent
7 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
8 shall remain in full force and effect.

9 11. Respondent understands and agrees that if the Board does not adopt this
10 Consent Agreement, he will not assert as a defense that the Board's consideration of this
11 Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

12 12. Respondent understands that this Consent Agreement is a public record that
13 may be publicly disseminated as a formal action of the Board and may be reported as
14 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
15 Protection Data Bank.

16 13. Respondent understands that any violation of this Consent Agreement
17 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
18 1901.01(B)(20), -1927(A)(1).

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1 ACCEPTED AND AGREED BY RESPONDENT

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3 
4 Rakesh Daram

Dated: 03-17-09

5 Subscribed and sworn to before me in the County of Maricopa, State of Arizona,
6 this 17 day of March, 2009, by Rakesh Daram.

7 
8 NOTARY PUBLIC



My Commission expires: 01-09-2011

10 FINDINGS OF FACT

11 1. The Board is the duly constituted authority for licensing and regulating the
12 practice of pharmacy in the State of Arizona.

13 2. Respondent is the holder of license number S16559 to practice as a
14 pharmacist in the State of Arizona.

15 3. During all relevant times to these findings, Respondent worked as a
16 pharmacist at CVS Pharmacy #5937 (the "Pharmacy") in Glendale, Arizona.

17 4. In July 2008 the complainant had a prescription for morphine filled at the
18 Pharmacy. The prescription had been written for morphine 30 mg without mentioning
19 the release form. The complainant's doctor was not contacted to find out whether he
20 intended the IR or ER formulation.
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22 5. The prescription should have been filled with morphine ER 30 mg.
23 However, Respondent filled the prescription with morphine IR 30 mg. Respondent
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1 misread or misinterpreted notations on the hardcopy prescription regarding quantity as an
2 approval to dispense the immediate release formulation.

3 6. The complainant took the medication as dispensed and was hospitalized as
4 a result.
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6 CONCLUSIONS OF LAW

7 1. The Board possesses jurisdiction over the subject matter and over
8 Respondent pursuant to A.R.S. § 32-1901 *et seq.*

9 2. The Board may discipline a pharmacist who has engaged in unprofessional
10 conduct. A.R.S. § 32-1927(A)(1).

11 3. The conduct and circumstances described above constitutes unprofessional
12 conduct pursuant to A.R.S. § 32-1901.01(B)(2) (Violating any federal or state law, rule or
13 regulation relating to the manufacture or distribution of drugs and devices or the practice
14 of pharmacy).

15 4. The conduct and circumstances described above constitute unprofessional
16 conduct pursuant to A.R.S. § 32-1901.01(B)(10) (Violating a federal or state law or
17 administrative rule relating to marijuana, prescription-only drugs, narcotics, dangerous
18 drugs, controlled substances or precursor chemicals when determined by the Board or by
19 conviction in a federal or state court).

20 5. The conduct described above violated Arizona Administrative Code R4-23-
21 402(A)(7) (A pharmacist shall interpret the prescription order, which includes exercising
22 professional judgment in determining whether to dispense a particular prescription).

23 6. The conduct described above violated Arizona Administrative Code R4-23-
24 402(A)(10)(b) (A pharmacist shall check the prescription order date entry to ensure that
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1 the data input is for the correct drug by verifying the drug name, strength, and dosage
2 form).

3 7. The conduct described above violated Arizona Administrative Code R4-23-
4 402(A)(10)(c) (A pharmacist shall check the prescription order data entry to ensure that
5 the data input communicates the prescriber's directions precisely by verifying dose,
6 dosage form, route of administration, dosing frequency, and quantity).

7 8. The conduct described above violated Arizona Administrative Code R4-23-
8 402(A)(11) (A pharmacist shall make a final accuracy check on the completed
9 prescription medication).

10 ORDER

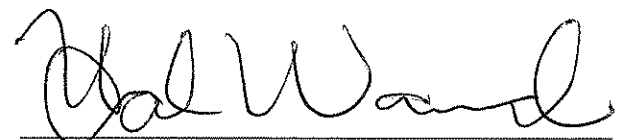
11 Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY
12 ORDERED THAT within **60 days** of the effective date of this Order Respondent shall
13 successfully complete and provide proof of successful completion to the Board of eight
14 (8) contact hours (0.8 C.E.U.) of American Council on Pharmaceutical Education
15 (ACPE) courses. The courses shall be pre-approved by Board staff, shall be limited to
16 topics dealing with pain management, and shall be in addition to the requirements of
17 A.R.S. § 32-1936 and A.A.C. R4-23-204.

18
19 DATED this 7th day of May, 2009.

21 ARIZONA STATE BOARD OF PHARMACY

22 (Seal)

23
24 By:


HAL WAND, R.Ph.
Executive Director

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2 ORIGINAL OF THE FOREGOING FILED
this 7th day of May, 2009, with:

3 Arizona State Board of Pharmacy
4 1700 West Washington, Suite 250
5 Phoenix, Arizona 85007

6 EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL
this 7th day of May, 2009, to:

7 Rakesh Daram
8 2220 W. Mission Lane #2252
9 Phoenix, Arizona 85021
Respondent

10 EXECUTED COPY OF THE FOREGOING MAILED
this 7th day of May, 2008, to:

11 Elizabeth A. Campbell
12 Assistant Attorney General
13 1275 W. Washington Street, CIV/LES
14 Phoenix, Arizona 85007
Attorneys for the State of Arizona

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#409806
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